IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LUMINENT MORTGAGE CAPITAL,

INC., ET AL., : CIVIL ACTION

v. : NO. 07-5423

MERRILL LYNCH & CO., ET AL.

NOTICE OF APPEAL TO UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Notice is hereby given that Plaintiffs Cobalt Holdings Group LLC f/k/a Luminent Mortgage Capital, Inc. and Mercury Mortgage Finance Statutory Trust in the above named case hereby appeal to the United States Court of Appeals for the Third Circuit from the *Order* [Docket No. 31] (the "Order") entered on August 20, 2009 by the Hon. R. Barclay Surrick of the District Court for the Eastern District of Pennsylvania, granting the *Motion to Dismiss the Amended Complaint* [Docket No. 13], filed by Defendants Merrill Lynch & Co., Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated; Merrill Lynch Mortgage Investors, Inc., Merrill Lynch Mortgage Lending, Inc., Merrill Lynch Mortgage Holdings, Inc., and Merrill Lynch Mortgage Investors Trust, Series 2005-A6. A copy of the Order is annexed hereto as Exhibit A.

The names of all parties to this appeal and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Party Counsel

Appellants

Luminent Mortgage Capital, Inc. and Mercury Mortgage Finance Statutory Trust

Alan E. Denenberg Abramson & Denenberg, P.C. 1315 Walnut Street, 12th Floor Philadelphia, Pennsylvania 19107 (215) 546-1345

Appellees

Merrill Lynch & Co., Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated; Merrill Lynch Mortgage Investors, Inc., Merrill Lynch Mortgage Lending, Inc., Merrill Lynch Mortgage Holdings, Inc., and Merrill Lynch Mortgage Investors Trust, Series 2005-A6

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Dated: October 19, 2009

S/ Alan Denenberg

Alan E. Denenberg ABRAMSON & DENENBERG P.C. 1315 Walnut Street, 12th Floor Philadelphia, Pennsylvania 19107 (215) 546 - 1345

Attorneys for Cobalt Holdings Group LLC f/k/a Luminent Mortgage Capital, Inc. and Mercury Mortgage Finance Statutory Trust

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ORDER

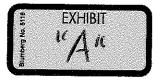
AND NOW, this ______ day of August, 2009, upon consideration of Defendants'

Motion to Dismiss the Amended Complaint (Doc. No. 13), and all documents submitted in support thereof and in opposition thereto, it is ORDERED that the Motion is GRANTED and the Amended Complaint is DISMISSED.

IT IS SO ORDERED.

BY THE COURT:

R. Barclay Surrick, J.



IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LUMINENT MORTGAGE CAPITAL,

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CIVIL ACTION

٧.

NO. 07-5423

MERRILL LYNCH & CO., ET AL.

CERTIFICATE OF SERVICE

I, Alan Denenberg, Esquire, hereby certify that on October 19, 2009, I served a true and correct copy of Plaintiff's Notice of Appeal in the above captioned case electronically via the court's PACER filing system and via First Class Mail, postage prepaid on the following:

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Date: October 19, 2009

S/ Alan Denenberg
ALAN DENENBERG, ESQUIRE